

## **Table of Contents**

- ***Anti-Muslim policies and incidents***
  - ***Muslim denomination in Bulgaria***
  - ***Registration of a Muslim association denied***
  - ***Will Bulgarian courts uphold religious freedom?***
- 

## **Anti-Muslim policies and incidents**

HRWF (27.06.2017) - On 22-23 June, the "Muslim Denomination in Bulgaria" (The Office of the Grand Mufti in Bulgaria) participated in the OSCE Supplementary Human Dimension Meeting about Freedom of Religion or Belief in Vienna and made a statement about their problems in Bulgaria. The full text is available is <http://www.osce.org/odhr/325336?download=true> . See excerpt below:

For years, the Muslims' religious institution in Bulgaria has been stifled by the strong political grip of various political circles and the complete indifference of governments that remain deaf to the problems of Muslims. Schools for the preparation of clergy suffer from a chronic lack of funding by the Bulgarian state, the block of attempts to develop a cultural-religious center or to regain property ownership of waqf properties, the uncovering of the junction of lawsuits and a heavy legacy from the management of the former leaders of the Muslim community of totalitarian times. We are witnessing an unsanctioned spread of hostile speech, populism and anti-Muslim speech, which, during election campaigns, were at their peak. We even witnessed attempts to prevent voters from voting because of their ethnic-religious affiliation during the last parliamentary election. When we add to this all the new global challenges such as the refugee crisis, the war-torn Middle East and the fatal ideology of DAESH, the results are extremely sour for the Muslim communities, especially in Bulgaria. I will present in this report fresh examples from this year, which roots are of course from the past:

### ***Discriminative and Islamophobic amendments in Penal Code***

In 2016, a number of discriminatory and Islamophobic laws were introduced in parliament by the "patriotic" and extreme nationalist parties, many of which were not accepted because the parliament ended its work due to early elections. About eleven months ago elections took place, resulting in the same importers of the bills in question to now be in the country's government.

On May 26, 2017, the newly-elected parliament, and in particular the "patriots" and extreme nationalists, proposed discriminative amendments to the Penal Code (1) to criminalize Islam in the country. The proposers' statement states that terrorism is due to radical Islam and that "radical Islamic ideology" is preached when it comes to ideas such as "the creation of an Islamic state (caliphate)", the propaganda of jihad, and so on. At the same time, the definition of "Islam" is equated to ideologies such as fascism and anti-democracy.

Generally the Muslim community in Bulgaria is against all kinds of terrorism and radicalism and predominantly supports anti-terror laws and codes, which are necessary for the security and protection of the whole society. But at the same time, this law allows for the abuse of religious freedoms and opens doors for arbitrariness and human rights violations through casual, illogical and unreasonable interpretations of the term "radical Islam". There

is no clear definition nor unified expert opinion on the formulation of "radical Islam," which is the basis of unique legislative decisions for Europe.

Although widely used in the public domain and media, the term "radical Islam" is very controversial. It is hardly subject to scientific definition because of the impossibility to establish where, when and at what doctrinal or conceptual point the "moderate" becomes "radical". Therefore, such bills risk being inconsistent with fundamental principles such as freedom of religion, which is part of the values of European societies.

If this bill were adopted, it would be extremely inefficient and would have negative consequences for the whole of society. Instead of helping to combat phenomena that legislators would most likely want to pursue with good intentions, defending society and democratic values, they will rather complicate the situation. It is pointless to adopt a law that will not solve the problems in society, but more likely to deepen them. Problems in society must be viewed objectively in order to find adequate solutions to the related dynamic social problems.

In addition to these legislative changes, extreme nationalists in parliament are also preparing some other changes in the Law of the Religions, which stipulate that preaching in temples should only be in the Bulgarian language, and other corrections, such as a ban on the financing of religions from abroad. These amendments, however, only impose restrictions on the freedom of religion, but offer no alternatives.

### ***Problems with the financial donations of the denomination***

In this sense, a serious problem that can be qualified as a violation of religious freedoms is the suspension of donations to the Muslim denomination. About three months ago, the Interim Government in Bulgaria, which was committed to holding parliamentary elections in the country, cancelled the donation treaty with the Republic of Turkey.

On this issue, the Office of the Grand Mufti has repeatedly been blamed by the media and representatives of some political circles for receiving financial and staff support from the Turkish governmental Directorate of Religious Affairs. Turkey's financial support is in fact a partial sponsorship of the three religious high schools and the Higher Institute of Islamic Studies in Sofia. It is the result of a treaty, which was signed between the Governments of Bulgaria and Turkey as early as 1998, regulating financial assistance, the sending of teachers to the spiritual schools, and guest-imams and lecturers from the Turkish Religious Affairs Directorate. This treaty was signed because of Bulgaria's inability to support its religious institutions in the post-totalitarian period. Also an agreement between was signed between the Office of the Grand Mufti and the Turkish Religious Affairs Directorate in 2002, which is without limitation.

Separately, according to the Law of the Religions, denominations have the right to invite religious officials from abroad with the permission of the "Directorate for Religious Affairs" with the Council of Ministers of Bulgaria. At present, there are 15 imams in Bulgaria who are seconded from Turkey and preach in Bulgarian mosques. Of course, this practice exists not only with Muslims. Catholics, Protestants, Jewish and Armenian communities invite priests and religious officials to Bulgaria and that is so normal.

Nevertheless, the media and politicians do not comment on why it is necessary for Bulgarian Muslim schools to be funded by another state. The answer is simple-- because the Bulgarian state does not have such a financial possibility. At present, the annual subsidy that the Office of the Grand Mufti receives from the State amounts to 360,000 leva (about 180,000 euros), intended for the renovation of old mosques.

When the Interim Government cancelled the treaty unilaterally, it did not inform the representatives of the Office of the Grand Mufti for three months. The result of this is that

the staff and teachers had resigned for salaries not paid. At the moment, the Muslim denomination is in an extremely difficult situation as they are unable to meet the needs of the denomination because of insufficient income that it cannot yet reconstitute from waqf property foundations following the democratic changes. For this reason, the institution has been incapacitated for two months in paying the salaries of the imams and teachers in the country.

The Office of the Grand Mufti has always stood for the Muslim community to be supported by the Bulgarian state and we have insisted over the years to make a commitment. This is the most natural and normal state of affairs. Excluding donations without offering another alternative is not a solution to the question.

### ***Selling of Property Belonging to the Muslim Community***

Meanwhile to the suspension of donations from Turkey, the Interim Government initiated a public auction sale of the land of 27 decares belonging to the Muslim community, for which the Office of the Grand Mufti has been struggling for years to obtain permission to build its cultural and religious center in Sofia. The permission to design the plot, which the mufti's office has had since 2002, is maturing unanswered in the administration of the chief architect of Sofia since 2008, when the Office of the Grand Mufti applied for a visa for construction at Sofia Municipality.

Three months ago the Interim Government announced the sale of the property. The official reason for the announcement of the plot for public sale was the run up of tax liabilities of the Office of the Grand Mufti to the National Revenue Agency, despite previous assurances from the Mufti's office to repay this debt every month. These debts have been primarily accumulated during the period of contests and lawsuits initiated against the institution by former state security agent Nedim Gendzhev, who claimed leadership of the Muslim community, for which we have submitted a reports before the ODIHR/OSCE.

The building in which the institute is housed is currently ineligible for accreditation of a higher education institution, hindering the development of students and lecturers to seek realization in secular universities and majors.

### ***Anti-Muslim hate incidents***

Muslim community in Bulgaria increasingly concerned about the hate motivated incidents perpetrated against Muslims and holy sides, while acts of vandalism against mosques and sides for worship have become all too frequent.

Recently the Office of the Grand mufti recorded hate crime incidents towards Muslim religious places, one of which was committed in May 2017 against the mosque in Plovdiv and its windows were broken.

On the night of February 7, a new vandal attack was made against the mosque in the town of Silistra by unknown perpetrator. The perpetrators fired a 5.5-millimeter air rifle into the security cameras and lighting fixtures of the mosque. Traces of bursts are noticed on the facade of the mosque. The Board of Trustees of the mosque filed a complaint with the police in Silistra.

On May 28, the second day of Holy month of Ramadan, football fans attacked and vandalized the Sofia mosque with beer bottles and garbage cans. Passing by the mosque, they made rough and insulting expressions against Muslims, Turks and Islamic religion, and measured the mosque with full beer bottles. The nearby policemen refused to react despite the requested help.

Unfortunately, these are not the only examples of Islamophobic attacks and hostility against Muslims. It has become increasingly common to openly express hostility against Muslims, to negatively stereotype Muslims and Islam, and to generally use intolerant language against Muslims. Relatively, few of these incidents were revealed or resulted in prosecutions. Although the Criminal Code contains hate crimes, these are rarely applied in practice. Public understanding of issues such as social marginalization of minority groups and victims of hate speech and crime, remains very limited. Many Muslim individuals are unaware that islamophobia and discrimination against them might be illegal. Moreover, even more people are not aware of any organization in their country that could help them if they are being victim of biased act and discrimination.

### ***Appointment of the leaders of the extreme nationalist party as the Deputy Prime Minister for Demographic Policy***

The appointment of Mr. Valeri Simeonov, one of the leaders of the extreme nationalist coalition party "United Patriots," (which is recognized as pro-fascist party in European Union) as the Deputy Prime Minister for Economic and Demographic Policy and the President of the National Council for Cooperation on Ethnic and Integration Issues with the Council of Ministries, is particularly disturbing for Muslims in the country. As such, he will be in charge of supervising the development and implementation of the state policy on minority integration.

In his public appearances regarding minorities in Bulgaria, the leader of the nationalist formation, and now also the Deputy Prime Minister of Economic and Demographic Policy, manifested himself in the whole spectrum of the inadmissibility-- from absurdly inappropriate jokes through a hazy speech of hatred to outright hooliganism.

During the election campaign three months ago, Mr. Simeonov physically assaulted an elderly woman of Turkish and Muslim origin, who had come to exercise one's right to vote (this was covered by the national media).

The Deputy Prime Minister told the media he has taken "funny" pictures as a young man, when visited Buchenwald Concentration Camp, in which more than 56,000 Jews were killed. He also made horrifying insults from the parliamentary tribune to Muslims, Roma and other minorities, which can be checked by plenary minutes. Valeri Simeonov has shown in his speech not only extreme positions, but sometimes also vulgar ones that do not correspond to the profile of a politician from a European state. Now he will be responsible for the ethnic and integration policies of the government.

(1) Proposed amendments, National Assembly, 26 May 2017 - <http://www.parliament.bg/bills/44/754-01-11.pdf>

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## **Muslim denomination in Bulgaria**

### ***OSCE Supplementary Human Dimension Meeting - Freedom of Religion or Belief: Issues, opportunities, and the specific challenges of combatting anti-semitism and intolerance and discrimination against Christians, Muslims and members of other religions***

The Office of the Grand Mufti in Bulgaria (22.06.2017) - <http://bit.ly/2tbUOji> - Your Excellences, Ladies and Gentlemen,

The right to freedom of religion or belief is a fundamental human right recognised in all the major human rights treaties. When we speak about the right to freedom of religion, it

means respecting the diverse components of society, to integrate them into the national fabric, and to uphold the rule of a law, without discrimination. Protection of freedom of religion or belief also means to ensure that citizens are protected against violence and discrimination and that such acts are condemned and punished. The states need to promote religious diversity and tolerance through positive, or affirmative actions.

States have repeatedly reaffirmed and made a commitment to respect for freedom of religion and conscience in the OSCE region. Though the participating states reaffirmed that efforts must be made to promote freedom of religion or belief, religious or belief communities still face problems throughout the OSCE region due to the lack of implementation of commitments related to freedom of religion or belief undertaken by participating State.

In recent years, there have been many challenges with regard to the respecting freedom of religion or belief in the context of counter terrorism approaches. I'm aware that striking the right balance between a State's need to take effective measures to combat terrorism and violent extremism and doing so in full compliance with their obligations under international law, particularly human rights, is not an easy or straight-forward task.

Although the current Legislation in Bulgarian ensures the right to freedom of religion or belief and the community enjoys freedom of religion and faith, Muslim community of Bulgaria is increasingly concerned about the discriminatory actions of the authorities and officials.

For years, the Muslims' religious institution in Bulgaria has been stifled by the strong political grip of various political circles and the complete indifference of governments that remain deaf to the problems of Muslims. Schools for the preparation of clergy suffer from a chronic lack of funding by the Bulgarian state, the attempts to develop a cultural-religious center or to regain property ownership of waqf properties are blocked, the uncovering of the junction of lawsuits and a heavy legacy from the management of the former leaders of the Muslim community of totalitarian times continue today. We are witnessing an unsanctioned spread of hostile speech, populism and anti-Muslim speech, which during election campaigns were at their peak. We even witnessed attempts to prevent voters from voting because of their ethnic-religious affiliation during the last parliamentary election. When we add to this all the new global challenges such as the refugee crisis, the war-torn Middle East and the fatal ideology of DAESH, the results are extremely sour for the Muslim communities, especially in Bulgaria. I will present in this report quite fresh examples from this year, which roots are of course from the past:

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On May 26, 2017, the newly-elected parliament, and in particular the "patriots" and extreme nationalists, proposed discriminative amendments to the Penal Code<sup>1</sup> to criminalize Islam in the country. The proposers' statement states that terrorism is due to radical Islam and that "radical Islamic ideology" is preached when it comes to ideas such as "the creation of an Islamic state (caliphate)", the propaganda of jihad, and so on. At the same time, the definition of "Islam" is equated to ideologies such as fascism and anti-democracy.

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If this bill were adopted, it would be extremely inefficient and would have negative consequences for the whole of society. Instead of helping to combat phenomena that legislators would most likely want to pursue with good intentions, defending society and democratic values, they will rather complicate the situation. It is pointless to adopt a law that will not solve the problems in society, but more likely to deepen them. Problems in society must be viewed objectively in order to find adequate solutions to the related dynamic social problems.

In addition to these legislative changes, extreme nationalists in parliament are also preparing some other changes in the Law of the Religions, which stipulate that in temples preaching should be only in the Bulgarian language, and other corrections, such as a ban on the financing of religions from abroad. These amendments, however, only impose restrictions on the freedom of religion, but offer no alternatives.

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they made rough and insulting expressions against Muslims, Turks and Islamic religion, and measured the mosque with full beer bottles. The nearby policemen refused to react despite the help they had been asked for.

Unfortunately these are not the only examples of Islamophobic attacks and hostility against Muslims. It became increasingly common to openly express hostility against Muslims, to negatively stereotype Muslims and Islam, and to generally use intolerant language against Muslims. Relative few of these incidents are revealed and resulted in prosecutions. Although the Criminal Code contains hate crimes, these are rarely applied in practice. Public understanding of issues such as social marginalization of minority groups and victims of hate speech and crime, remains very limited. Many of Muslim individuals are unaware that islamophobia and discrimination against them might be illegal. Moreover, even more people are not aware of any organization in their country that could help them if they are being victim of biased act and discrimination.

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### ***Your Excellencies,***

The reason for these destructive policies of the state is that it has always conducted with the philosophy that the Muslim minority is more or less a foreign body within the national integrity of the country. The unwillingness or incapacity of politicians to understand and accept the Muslims as an integral part of the Bulgarian nation, which they are, generates those politicians' deterrent policies that are often immature, wicked, and undesirable for the community, but rather marginalizes, alienates, separates and isolates them from other religions and their fellowcitizens and other religions.

This unclear and wrongly grounded political attitude towards minorities influences the relations between the governments and Muslim community. The policy of "securitization" of the Muslim minority that undermines the philosophy and culture of a civil nation, naturally, sends its own messages to the whole society - towards non-Muslims, who are

inculcated with ungrounded suspicion against them. All of which often facilitates the media to manipulate the society when it is necessary.

We recognize that what is happening today is extremely worrying and is a continuation of a policy during the years of disregard for the rights and freedoms of citizens belonging to minorities. Thus, neglecting the commitments made on freedom of religion, belief and conscience under international treaties, including the European Union and the OSCE.

All this gives insecurity and fear to minorities, and in particular Muslims, in terms of their rights and freedoms, as well as their future. They are afraid of that extreme nationalism, Islamophobia and racism will gain great dimensions.

For years, we have been talking about the violations of religious freedom from this high tribune of OSCE. We have had a number of reports over the years about the issues that are still relevant today. The problems are increasing day by day, and it is discouraging that every time we come here with even more, which remain without any sanctions. Nevertheless, as the Muslim community in Bulgaria will continue to stand up for our rights in a democratic way from this platform.

Muslims in Bulgaria have always been loyal citizens of their native Bulgaria. They have always been for a peaceful and democratic solution to their problems and have always been willing to cooperate with governments. They have always tried to solve their problems within law and order without aggression. They have defended and represented their homeland worthy everywhere.

These are briefly the problems of recent months. I will not explain the other continuing problems faced by the Muslim denomination for 25 years as these reports have been previously reported in past OSCE forums.

On a positive note, civil society is conducting at a relatively good level in its efforts to combat racism and related discrimination. The interfaith dialogue is also at a very good height. Representatives of the major religious organizations, including the Muslim leaders in the country maintain a good dialogue and try to give good examples of the community, though sometimes not very successfully.

Upon request, we are ready to provide you with more information.

### **Recommendations:**

Recommendations to Bulgarian authorities:

- Due to ongoing violations of freedom of religion and belief guaranteed by the Constitution of the Republic of Bulgaria, the authorities called upon to respect the Constitution and international standards on freedom of religion and belief; as well as to implement effectively the commitments to freedom of religion or belief and anti-discriminatory legislation;
- With regards to the amendments in the Penal Code, the Muslim denomination in Bulgaria is of the opinion that the state, with its legislation, justice and judiciary system, must maintain its neutrality in terms of intrinsic peculiarities and discussions, currents and degrees ("radical" - "moderate") that follow given religious teachings. And if a citizen violates the law, for example, preaching religious hatred, incitement to a change in established public order, hatred for other believers or violence, then the state must take its role to penalize and punish according to the Penal Code currently in force, where the preaching of religious or other hatred is clearly regulated. The state should not intervene directly in debates, taking a valuation position through definitions and concepts that are internal to a particular religious community. From the point of view of legislation, the acts

constituting crimes should not be religiously justified in this case, but must be translated into a publicly accessible and clear legal language. The criterion should be whether it is an act that is punishable by the laws in force and undermines the constitutionally defined civil liberties and democratic values. This should not be done by engaging in these procedures of theological arguments or disputes over the "radical" nature of certain religious beliefs. Otherwise, secular law will have to declare religious principles. Regardless of one's religious identity, any citizen, in violation of these laws should have punishment imposed in view of the act committed within terms of current legislation, before which all citizens have equal rights and obligations, whilst refraining from measuring and assessing the how radical is one's view and intrinsic peculiarities of ideas.

- In terms of financial support, in the interest of the state and all citizens, both Muslim and other religions, should have the necessary financial and material opportunities created to accomplish their basic purpose of preaching religion and spiritual care for community. Such investment will return in the form of peaceful inter-religious relations and tolerance, both between religions and the state. Encourages the authorities to resolve the question of restitution of Muslim properties, ownership rights and exercise property ownership management, as the Administration of Muslim Religious Affairs (Grand Mufti's Office) is a historically established since the beginning of the 20th century in 1909. The properties should be returned, without precondition and bureaucratic obstacles, to their rightful owners namely the Muslim community. If there is any kind of dispute as for the ownership of a particular property, the burden of proof should lay on the state and not on the foundations;
- As a responsible institution, Administration of Muslim Religious Affairs (Grand Mufti's Office) encourages the Bulgarian authorities to take adequate measures to solve the cases of Muslim community that have dragged on for years.
- Develop comprehensive and forward-looking policies to address religious community issues and, in particular, the Muslim minority. Recommendations to ODIHR/OSCE: • ODIHR to observe the process of implementation of commitment to freedom of religion and belief in Bulgaria;
- ODIHR's Panel of Advisers on Freedom of Religion or Belief to observe whether Bulgarian authorities are implementing the religious rights of Muslims in the country, as well to recommend and advise Bulgarian government on the issue of Freedom of Religion and Belief and Fundamental rights;
- OSCE/ODIHR Advisory Panel on Freedom of Religion or Belief, as well as the Personal Representative of the OSCE Chairperson-in-Office on Combating Intolerance and Discrimination against Muslims to have a greater role in the work of the OSCE on further implementation of the freedom of religion or belief in all participating States.
- ODIHR and other OSCE institutions, including the Personal Representatives of the Chairperson in Office, to undertake measures for better supporting OSCE participating States in implementing their commitments on the issue;
- Islamophobia is unfortunately an increasing phenomenon which threatens stability and security within countries and in international relations. Therefore, it requires consistent attention and intensive efforts of the OSCE.
- ODIHR to observe closely the process of Freedom of Religion of Muslim minorities in non-Muslim countries.

## Registration of a Muslim association denied

### ***Refusal of Bulgarian authorities to register an association promoting the rights of the Muslim minority was not "necessary in a democratic society"***

Registrar of the European Court (08.06.2017) - In today's **Chamber** judgment (1) in the case of **National Turkish Union and Kungyun v. Bulgaria** (application no. 4776/08) the European Court of Human Rights held, unanimously, that there had been:

**a violation of Article 11 (freedom of assembly and association)** of the European Convention on Human Rights.

The case concerned the refusal of the Bulgarian authorities to register an association promoting the rights of the Muslim minority in Bulgaria.

Referring back to its case-law, the Court found that there was no "pressing social need" to require any association wishing to pursue political aims to constitute a political party if it was not the intention of the founders to take part in elections.

The Court further noted that the domestic courts had not referred to any action of the association or its members which might have compromised the territorial integrity or unity of the nation, or any action or speech which might have been regarded as a call to hatred or violence.

It concluded that the refusal to register the applicant association had not been "necessary in a democratic society".

### ***Principal facts***

The applicants are the association National Turkish Union, and Menderes Mehmet Kungyun, a Bulgarian national who was born in 1950 and lives in Kazanlak. Mr Kungyun, a founder member and chair of the association, complained of the Bulgarian authorities' refusal to register the association.

In 2006 Mr Kungyun announced his intention to form an association dedicated to promoting the rights of the Muslim minority in Bulgaria. Following his announcement several hostile articles appeared in the press, criticising the association's aims and claiming variously that the applicant wanted to create an ethnic Turkish party and that he was receiving funding from secret services abroad. In May 2006 Mr Kungyun and five other founder members applied to the Plovdiv Regional Court to have the association registered. The court refused their application on the grounds that one of the association's declared aims was political. Under the Constitution, only political parties were allowed to conduct political activities. The court also observed that commercial activities could not feature among the primary aims of a non-profit association. Lastly, the court noted a lack of precision in the association's constitution concerning its representative bodies.

Mr Kungyun appealed. The Court of Appeal upheld the original judgment and observed that an association's name should not be misleading or contrary to public morals. The name "National Turkish Union" referred to the existence of a Turkish nation in Bulgaria and implied a separatist objective. Mr Kungyun appealed on points of law.

On 10 July 2007 the Supreme Court of Cassation dismissed his appeal and upheld the Court of Appeal's judgment.

### ***Complaints, procedure and composition of the Court***

The applicants alleged that the refusal to register the association “National Turkish Union” constituted a breach of their rights under Article 11 of the Convention (freedom of assembly and association).

The application was lodged with the European Court of Human Rights on 4 January 2008.

Judgment was given by a Chamber of seven judges, composed as follows:

Angelika **Nußberger** (Germany), *President*,  
Erik **Møse** (Norway),  
André **Potocki** (France),  
Síofra **O’Leary** (Ireland),  
Mārtiņš **Mits** (Latvia),  
Lətif **Hüseynov** (Azerbaijan) and,  
Pavlina **Panova** (Bulgaria), *ad hoc Judge*,  
and also Milan **Blaško**, *Deputy Section Registrar*.

### **Decision of the Court**

#### **Article 11**

The Court observed that, in refusing registration of the association, the Supreme Court of Cassation had based its judgment on two grounds: the fact that the purpose of the association was political in nature and that the association sought to conduct political activities; the aims and name of the association breached Article 44 of the Constitution and presented a danger to national security. The other grounds set out by the lower courts had not been used by the highest court.

As regards the political nature of the association’s aims, the Court had already taken the view in its case-law that such a ground could not justify a refusal to register an association. It found that there was no “pressing social need” to require any association wishing to pursue political aims to set up a political party if it was not the intention of its founders to take part in elections. The Court took the view that in the present case, the association’s declared aim to “contribute to the development of political pluralism in the country” did not seem to imply that the association wished to take part in elections or in the exercise of power. Otherwise it could have been justified to impose on its founders the more restrictive legal form of political party.

Concerning the possibility of danger to national security, the Court observed that the expression of separatist views did not in itself imply a threat to the territorial integrity of the State or national security and did not as such justify a restriction of the rights secured by Article 11 of the Convention.

The use of the words “National Turkish” in the name of the association did not appear capable of undermining the territorial integrity or unity of the Bulgarian nation. Moreover, the Court did not see how the association’s challenge to the monopoly of a political party in ethnically mixed regions would represent a risk for ethnic peace and would thus compromise the country’s security.

The Court noted that the domestic courts had not referred to any action of the association or its members which might have compromised the territorial integrity or unity of the nation, or any action or speech which might have been regarded as a call to hatred or violence. It further observed that the national authorities would not have been powerless if that were the case. The regional court could order the dissolution of an association whose activities were incompatible with the Constitution, with the law, or with public morals. The mere supposition that an association could have engaged in such activities did not therefore justify a refusal to register it.

The Court thus concluded that the refusal to register the applicant association was not “necessary in a democratic society” and constituted a violation of Article 11.

### **Article 14**

Having regard to its finding of a violation of Article 11, the Court took the view that it did not need to examine the complaint under Article 14 of the Convention.

### **Just satisfaction (Article 41)**

The Court held that Bulgaria was to pay the applicants 5,000 euros (EUR) in respect of non-pecuniary damage and EUR 2,000 in respect of costs and expenses.

*The judgment is available only in French.*

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution.

Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

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## **Will Bulgarian courts uphold religious freedom?**

JW.ORG (14.02.2017) - <http://bit.ly/2IPg9b0> - On June 4, 2016, Nikolai Stoyanov was standing by a small literature display stand on a public street in Burgas, offering free religious publications of Jehovah’s Witnesses to passersby. When police came by at about 7:00 p.m., they charged Nikolai with violating a municipal ordinance and fined him 50 leva (\$27 U.S.). He was one of five Witnesses in Burgas who were charged and fined during May and June for their peaceful religious activity.

### **Courts Rule That City Councils Ignored Religious Freedom Rights**

Nikolai and the four other Witnesses appealed the criminal decrees and fines. In decisions of October and November 2016, the Burgas Regional Court vindicated Nikolai and the other Witnesses and canceled their fines.

In the meantime, Jehovah’s Witnesses challenged the constitutionality of the ordinance in Burgas. On October 12, 2016, the Burgas Administrative Court determined that the ordinance that purported to restrict the Witnesses’ religious activity violated Bulgaria’s constitutional guarantees and its international commitments to religious freedom.

The Burgas City Council was already aware that the restrictive provisions of the Ordinance for Preservation of Public Order violated constitutional rights. In 2013, a nationalist political party had proposed amendments, alleging that some people in the community were complaining about the Witnesses’ religious activity. The district governor reviewed the ordinance and concluded that the amendments were discriminatory and issued an order declaring them unconstitutional. However, the next district governor revoked the order,

and the city council passed the amendments. The Ombudsman warned the city council that the new regulations were unlawful, but they remained in effect until the Burgas Regional Court invalidated them.

Similar cases occurred in Kyustendil, where the city council also knowingly adopted amendments to an ordinance that restricted religious freedom and then directed municipal police to enforce those amendments. The Kyustendil Administrative Court overturned six criminal decrees and fines of up to 800 leva (\$439 U.S.) imposed on Witnesses for allegedly illegal religious activity, stating in one of its decisions: "The Applicant is held liable for an act that by its essence represents the exercise of her right to religious freedom guaranteed to her by the Constitution and the LRA [Law of Religious Acts]." On June 24, 2016, the same court granted an application filed by local Witnesses and declared the amendments made to the ordinance to be unconstitutional. \* The Kyustendil City Council has appealed the decision to the Supreme Court.

### ***Mixed Reactions to the Right to Manifest Religious Belief***

Over the past few years, at least 44 municipalities in Bulgaria have amended ordinances to restrict religious activity of registered religious organizations. When local authorities enforce the restrictive ordinances, the Witnesses face written warnings, citations, fines, threats, and even violence. For example, on March 26, 2016, Marin Tsvetkov, a municipal officer in the city of Vratsa, threatened two female Witnesses, stating that he would have football hooligans assault them. He then seized and damaged some of their religious literature.

Elsewhere, however, open-minded officials and the Bulgarian courts have upheld religious freedom. On June 2, 2016, three officials approached a group of Jehovah's Witnesses who were using a mobile literature cart in the capital city of Sofia and asked for their permit to do this volunteer work. After reviewing the matter, the officials confirmed that Bulgaria's Constitution guarantees the right to carry out such peaceful activity. In Plovdiv, the country's second-largest city, the city council vetoed a political group's attempt to amend the Ordinance of Public Order and Security so as to prohibit Jehovah's Witnesses as a religion.

### ***What Will Become of the Challenged Ordinances?***

Jehovah's Witnesses in Bulgaria are taking steps to challenge all 44 ordinances that purport to restrict the constitutional right to share religious beliefs. Krassimir Velez, a spokesman for the national office of Jehovah's Witnesses, located in Sofia, stated: "Jehovah's Witnesses offer a community service by speaking with people about issues that concern them and sharing satisfying answers from the Bible. Many people welcome our message, but in municipalities that have adopted restrictive ordinances, we are targeted for distributing free printed material or even publicly expressing our religious convictions. When it is reasonable to do so, we defend the precious, divinely-given right to freedom of worship."

Jehovah's Witnesses are grateful that many senior officials and the courts of Bulgaria are acting to uphold the religious liberties that benefit all sectors of society. Time will tell whether the authorities will similarly remedy the other ordinances adopted to restrict religious activity in Bulgaria.